

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIKE PEREZ,	:	CIVIL ACTION NO. 1:06-CV-1468
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JOHN J. GRIFFIN and LAW	:	
OFFICE OF JOHN J. GRIFFIN,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 12th day of December, 2006, upon consideration of *pro se* plaintiff's notice of default (Doc. 13) and motion for default judgment (Doc. 15), averring that defendants have failed to respond to the complaint despite service by the United States Marshal, see FED. R. CIV. P. 55, and it appearing that, to date, defendants have not been properly served,¹ see Staudte v. Abrahams, 172 F.R.D. 155, 156 (E.D. Pa. 1997) (denying plaintiff's request for default against defendants who were improperly served); see also Sampath v. Concurrent Techs. Corp., 227 F.R.D. 399, 401-402 (W.D. Pa. 2005), it is hereby ORDERED that:

¹ The order of court dated August 16, 2006 (Doc. 10) directed the United States Marshal to serve the complaint on defendants. The Marshal attempted to effect service by sending a copy of the summons and complaint to defendants by certified mail. (See Doc. 14.) Defendants did not sign the waiver of service request. (See Doc. 14 at 2.) Absent such a waiver, personal service of process is required under the Federal Rules of Civil Procedure. See FED. R. CIV. P. 4(e), (h); PA. R. CIV. P. 400, 402, 403; Sampath v. Concurrent Techs. Corp., 227 F.R.D. 399, 401-402 (W.D. Pa. 2005); Staudte v. Abrahams, 172 F.R.D. 155, 156 (E.D. Pa. 1997); see also FED. R. CIV. P. 4(d) ("If a defendant located within the United States fails to comply with a request for waiver . . . the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.").

1. Plaintiff's notice of default (Doc. 13) and motion for default judgment (Doc. 15) are DENIED.
2. The United States Marshal is directed to effect personal service of the complaint (Doc. 1) in accordance with the Federal Rules of Civil Procedure, and file proof thereof on or before January 10, 2007.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge